

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA**

DAVID OTIS,

Plaintiff,

CASE NO. 3:18-cv-03009

v.

UNION PACIFIC RAILROAD CO.,

Defendant.

**PARTIES' STIPULATED PROTOCOL
FOR PRODUCING DOCUMENTS AND
ELECTRONICALLY STORED
INFORMATION**

Plaintiff, David Otis, and Defendant, Union Pacific Railroad Company, by and through their respective counsel, have jointly stipulated to the terms of Stipulated Order Governing the Disclosure of Privileged Information, and with the Court being fully advised as to the same, it is hereby ORDERED:

This Stipulated Protocol for Producing Documents and ESI (The “ESI Protocol”) shall govern the production of documents and electronically stored information (“ESI”) by the parties in the above captioned litigation. The ESI Protocol shall also govern productions made by any third party who is subpoenaed in this action unless otherwise agreed to by the issuing party and the third party. Accordingly, the ESI Protocol shall be attached to any subpoena issued in this action after the date of this stipulation.

A. Production Formats

As a general rule, the production format for all paper documents and ESI shall be single-page Group IV TIFF files with corresponding text and load files, as set forth in detail in Part C below (“the Default Rule”).

However, spreadsheets, databases, presentation files, audio/video files, and other file types that do not render to image well should be produced in their Native format (“Native Productions”).¹ Native Productions shall **not** be produced as “values only.” They should be produced as they are maintained, with all formulas, redlines, comments, linkages, and metadata intact. Native Productions should include all ESI metadata fields set forth below in the load file. It may sometimes be appropriate to produce partial data, such as with information housed in databases containing more information than is

¹ Examples of file types that should be produced in Native format include: .wav, .mpg,.xls, .xlsx, .csv, ..dta, .dat, .cpt, .opt, .dll, .xpt,.sd2, .sav, .zsav, and .sys.

relevant to the case.² In these instances, the parties should confer and agree on an ESI protocol early on concerning the scope of, and methodology for, extracting the relevant data. The contents of container files³ will be extracted and produced as individual files with BegAttach and EndAttach field representing the family relationship.

B. Handling of Paper Documents

Paper documents shall be scanned and produced according to the Default Rule.

C. Default Rule: Specific Protocols for the Form of Production

The following specific protocols should be used for productions:

1. IMAGES:

- Black and White, unless color is requested or necessary to understand the meaning
- Single Page Group IV TIFF files for black and white
- Single Page JPG files for color
- Image Resolution of 300 DPI
- With Placeholder images for files produced in Native Productions
- Retain original document orientation
- Endorsed with a unique Bates Number on each page

2. TEXT FILE SPECIFICATIONS:

- Full extracted text produced for all file types of ESI
- Produce a single text file for each document, not one text file per page
- Produce OCR text files for documents with redactions, or scanned paper documents
- File Naming Convention: Beg Bates Number
- Documents without extracted text, as identified by the processing tool, will be OCR'd

² Examples of file types that may require extracted rather than complete productions include: accdb, .accde, .dbf, .nsf, .mdb, .sas, .sas7dbat, and .sql.

³ Examples of container files include: .zip, .rar, .7z, gzip, and .zipx.

3. LOAD FILE SPECIFICATIONS:

- **Images Load File:** Opticon OPT file with one line per image, document breaks, and page counts and will be named for the ProdVolume.
- **Metadata Load File:** Metadata will be provided in an Excel file named for the ProdVolume. Metadata load files produced by the Defendant will be converted to a CSV file.
- **Extracted Text:** Reference File Path to Text file in DAT file
- **Native Files Produced:** Reference File Path to Native file in DAT file

4. METADATA FIELDS FOR ALL PRODUCTION:

- **BegBates:** Beginning Bates Number
- **EndBates:** Ending Bates Number
- **BegAttach⁴:** First Bates Number of the first document of the family
- **EndAttach:** Last Bates number of the last document of the family
- **Pgcount:** Number of pages
- **ProdVolume:** Identifies production media deliverable
- **Record Type:** Indicates type of document ("E-Mail", "E-Mail Attachment", "E-Doc", etc.)
- **ExtractedText:** Relative file path to Extracted Text/OCR File (named per BegBates number)
- **Confidential:** Confidential designation or "Yes" pursuant to any applicable Protective Order
- **Redacted:** "Has Redactions" or "Yes" for redacted documents

5. METADATA FIELDS FOR ESI PRODUCTION:

- **Filesize:** Size in bytes of the native file
- **MD5 Hash Value:** MD5 hash value
- **FileName:** Original digital file name
- **NativePath:** Relative file path to produced Native file (named per BegBates number)
- **Title:** Title field extracted from the metadata of a non-email document
- **Author:** Author field extracted from the metadata of a non-email document
- **LastModified Date/Time:** Date and time from the Modified property of a document, representing the date and time that changes to the document were last saved
- **Last Saved By:** Last Saved/Modified By property of a document, representing the last user to save the document
- **From:** The sender of the email as extracted from the metadata
- **To:** Recipient of email as extracted from the metadata

⁴ The metadata field **Physical Folder**, a text field containing the name of a folder that a group of individual hard copy documents are maintained in, may be provided in lieu of the BegAttach and EndAttach fields for scanned paper documents.

- **CC:** CC or Carbon Copy of email as extracted from the metadata
- **BCC:** BCC or Blind Carbon Copy of the email as extracted from the metadata
- **EmailSubject:** Subject of an email message
- **Sent Date/Time:** Date and time at which an email message was sent
- **Hidden Content:** Microsoft Word and PowerPoint files will be produced with hidden data displayed. The Load File will include a Hidden Content (Y/N) field for such Microsoft and PowerPoint files.

IT IS SO ORDERED this 3rd day of May, 2018.



C.J. Williams
Chief United States Magistrate Judge
Northern District of Iowa